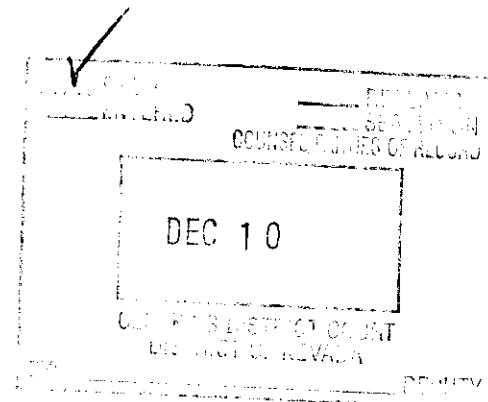


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12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 DENNIS MONTGOMERY, et al.,
 15 Plaintiffs,
 16 v.
 17 ETREPPID TECHNOLOGIES, INC.,
 18 et al.,
 19 Defendants.

) 3:06-CV-00056-PMP-VPC
) **BASE FILE**
) 3:06-CV-00145-PMP-VPC

20
 21 **STIPULATED ORDER**
 22 **REGARDING ENFORCEMENT OF**
 23 **UNITED STATES PROTECTIVE ORDER**

24 WHEREAS on August 29, 2007, this Court upheld the United States' assertion of
 25 military and state secrets privilege and issued an Order to protect information subject to the
 military and state secrets privilege (US Protective Order, docket # 253);

26 WHEREAS this Court subsequently approved procedures to enforce the U.S.
 27 Protective Order with respect to client files in the possession of the Montgomery parties' former
 28 counsel, Michael J. Flynn and Carla DiMare, in order to protect information covered by that

1 order. February 19 and November 4, 2008 Orders (docket #'s 435 and 881, respectively);

2 WHEREAS, as of September 27, 2007, Ronald J. Logar and Eric A. Pulver of the Law
3 Office of Logar & Pulver, PC ("Logar and Pulver firm") no longer served as local counsel for the
4 Montgomery Parties (docket # 287);

5 WHEREAS, as of April 29, 2009, Mark H. Gunderson of the Gunderson Law Firm no
6 longer served as local counsel for the Montgomery Parties (docket # 1025);

7 WHEREAS the Logar and Pulver firm and the Mark H. Gunderson firm have forwarded
8 their firm's Montgomery parties' client files to Liner, Grode, Stein, Yankelevitz, Sunshine,
9 Regenstreif & Taylor (the "Liner Firm"), counsel for the Montgomery parties;

10 WHEREAS Dennis Lee Montgomery and Brenda Kathleen Montgomery ("Debtors")
11 filed a voluntary petition under Chapter 7 of the Bankruptcy Code. D.L and Brenda K.
12 Montgomery, No. 6:09-bk-24322-BB (C.D. Ca., petition filed June 26, 2008);

13 WHEREAS, Jason M. Rund is the duly appointed trustee of the Debtors' bankruptcy
14 estate ("Bankruptcy Estate"); and

15 WHEREAS Jason M. Rund, in his capacity as Chapter 7 Trustee ("Trustee") of the
16 Bankruptcy Estate requests the turnover of any and all Montgomery parties' client files in order
17 to investigate and administer the assets of the Bankruptcy Estate.

18 **STIPULATION**¹

19 IT IS HEREBY STIPULATED that the United States is authorized to review the client
20 files of the Montgomery parties' in the possession of the Liner firm for the purpose of properly
21 securing and protecting military and state secrets information that may be contained in said files.

22 IT IS FURTHER STIPULATED that the United States will review the Montgomery
23 parties' client files pursuant to the procedures approved by the Court with respect to review of

25 _____
26 ¹ Joseph A. Eisenberg, Esq., counsel for Dennis Lee Montgomery and Brenda Kathleen
27 Montgomery, Debtors in D.L and Brenda K. Montgomery, No. 6:09-bk-24322-BB, is entering an
appearance in this action for the limited purpose of signing this stipulation on behalf of
Montgomery Judgment Debtors.

1 Montgomery parties' client files pursuant to the February 19 and November 4, 2008 Orders
2 (docket #'s 435 and 881, respectively) as set forth below.

3 **CATEGORIES OF DOCUMENTS TO BE REVIEWED**

4 The documents in the Montgomery parties' client files, which may contain information
5 protected by the military and state secrets privilege, may be described as falling within three
6 categories, as set forth below:

- 7 A. ***Court Filings:*** Originals or copies of documents filed in the consolidated civil
8 cases or in the Criminal Search Warrant case containing military and state secrets
9 information, which has been redacted by order of the District Court.
- 10 B. ***Third-party Communications:*** Correspondence or e-mails either directed or
11 copied to opposing counsel, non-parties or other persons that contain military and
12 state secrets information protected by the August 29 U.S. Protective Order,
13 including memorialization of any oral communication to or from opposing
14 counsel, non-parties or other persons that references or contains information
15 protected by the August 29 U.S. Protective Order.
- 16 C. ***Attorney-Client Communications and/or Attorney Work Product:*** (1) drafts of
17 documents that have been filed in the consolidated cases or in the Criminal Search
18 Warrant case containing military and state secrets information, which has been
19 redacted by order of the District Court; (2) any correspondence or e-mails to either
20 the Montgomery clients or Montgomery co-counsel that were not also sent to
21 opposing counsel, non-parties or other persons that contain military and state
22 secrets information protected by the August 29 U.S. Protective Order; and (3) any
23 memoranda or other document prepared in preparation for or in the consolidated
24 cases or Criminal Search Warrant case and not filed or not also disseminated to
25 opposing counsel, non-parties or other persons that reference or contain such
26 information protected by the August 29 U.S. Protective Order.

PROCEDURES

1. A U.S. government employee or employees with the appropriate security clearances and authorizations will first review the Montgomery parties' client files in the Liner firm's possession for the purpose of identifying and segregating all documents that fall within the three categories above.
2. After the initial review is completed, the United States will notify the Court and the parties, including the Trustee of the Bankruptcy Estate, of the estimated universe of documents, including hard drives, if any, that need to be reviewed and the projected date for completion of the United States' review.
3. The U.S. government employee or employees then will redact military and state secret information protected by the August 29 U.S. protective order from such documents.
4. An appropriate inventory will be prepared.
5. Redacted copies of the documents will be returned to the Liner firm.
6. The United States will notify the Court, the parties, and the Trustee of the Bankruptcy Estate, when redacted and unredacted copies of the documents have been returned to the Liner firm.
6. The unredacted originals and one copy of the redacted documents will be stored by the U.S. Department of Justice Security Offices until ninety days after the date this action and the bankruptcy proceeding in D.L and Brenda K. Montgomery, No. 6:09-bk-24322-BB (C.D. Ca., petition filed June 26, 2008) have been closed or final order in both actions issued, and any appeal therefrom has been exhausted.

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Respectfully submitted,

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Dated: December 9, 2009

/s/

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Dated: December 9, 2009

/s/

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Dated: December 9, 2009

/s/

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Case 3:06-cv-00056-PMP-VPC Document 1135 Filed 12/09/09 Page 6 of 6

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10 Attorneys for Judgment Creditors
11 eTreppid Technologies, L.L.C. and
12 Cross-Defendant Warren Trepp

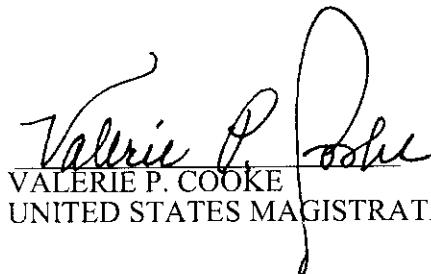
13 Dated: December 9, 2009

14 /s/
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19 Civil Division - Room 6144
20 U.S. Department of Justice
21 20 Massachusetts Ave., NW
22 P.O. Box 883
23 Washington, D.C. 20044

24 Counsel for United States

25 IT IS SO ORDERED:

26 DATED: December 10, 2009

27
28 
29 VALEERIE P. COOKE
30 UNITED STATES MAGISTRATE JUDGE